

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

**IN RE PAYMENT CARD INTERCHANGE  
FEE AND MERCHANT DISCOUNT  
ANTITRUST LITIGATION**

**This Document Relates to:**

***7-Eleven, Inc., et al. v. Visa Inc., et al.*, No. 13-  
cv-05746 (E.D.N.Y.) (MKB) (VMS).**

**No. 05-md-01720 (MKB) (VMS)**

**AMAZON PLAINTIFFS'  
STIPULATION AND ORDER OF  
DISMISSAL WITH PREJUDICE OF  
ALL CLAIMS**

WHEREAS plaintiffs Amazon.com, Inc. and Zappos.com, Inc. (and the latter doing business as Zappos.com and 6pm.com (formerly known as Shoedini.com); and including their subsidiaries Abebooks; Audible Inc.; Booksurge; Brilliance Audio; Casa.com; CDNOW; Comixology; Diapers.com; Egghead; Endless.com; Fabric.com; IMDB; NICE; Shoedini.com; Shopbop.com; Soap.com; SOUQ; The Book Depository; Twitch Interactive; Wag.com; and Woot and Woot.com; and including Amazon Services LLC; Amazon Payments, Inc.; Amazon Web Services LLC; AmazonFresh LLC; ACI Gift Cards, Inc.; AmazonLocal LLC; Amazon Media Group LLC; Amazon Digital Services, Inc.; Amazon Corporate LLC; and Amazon.com LLC; and including Zappos Insights, Inc.; Zappos IP, Inc.; Zappos Gift Cards, Inc.; 6pm.com, LLC; and Zappos Development, Inc.); Whole Foods Market Group, Inc.; Whole Foods Market Rocky Mountain/Southwest, L.P.; Whole Foods Market California, Inc.; Mrs. Gooch's Natural Food Markets, Inc.; Whole Foods Company, Inc. (also known as Whole Foods Company); Whole Foods Market Pacific Northwest, Inc.; WFM-WO, Inc.; WFM Northern Nevada, Inc.; WFM Hawaii, Inc.; and WFM Southern Nevada, Inc. (and including Whole Foods Market, Inc.; Nature's Heartland, Inc.; WFM Nebraska, LLC; Whole Food Company, Inc.; Whole Food Company; Whole Foods Market - WO, Inc.; Whole Foods Market Canada, Inc.; and Whole Foods Market Services, Inc.); and all of the foregoing entities' respective subsidiaries, affiliates,

and related entities (collectively “Amazon Plaintiffs”), which are some of the plaintiffs in the action *7-Eleven, Inc., et al. v. Visa Inc., et al.*, No. 13-cv-05746 (E.D.N.Y.), which action is included in *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation*, No. 1:05-md-01720 (E.D.N.Y.), having fully settled all of their respective claims against some of the defendants in the *7-Eleven* action — i.e., Visa Inc., Visa U.S.A. Inc., and Visa International Service Association (collectively the “Visa Defendants”) —by and through their undersigned counsel, hereby stipulate and agree, pursuant to Federal Rule of Civil Procedure 41(a), that Amazon Plaintiffs’ claims and action against the Visa Defendants be dismissed with prejudice, and with each side to bear its own attorneys’ fees and costs, provided that the Court retains continuing and exclusive jurisdiction to resolve any matter arising out of or relating to the parties’ settlement agreement or this Stipulation and Order of Dismissal, or their applicability to any suit, action, proceeding, or dispute.

Accordingly, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that (1) the Court will retain continuing and exclusive jurisdiction to resolve any matter arising out of or relating to the parties’ settlement agreement or this Stipulation and Order of Dismissal, or their applicability to any suit, action, proceeding, or dispute, and (2) the claims and action of Amazon Plaintiffs against the Visa Defendants be and hereby are dismissed with prejudice, with each side to bear its own attorneys’ fees and costs.

Dated: March 3, 2022.

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*Attorneys for Defendants Visa Inc., Visa U.S.A.  
Inc., and Visa International Service  
Association<sup>1</sup>*

**SO ORDERED:**

Dated:

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Brooklyn, New York

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United States District Judge

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<sup>1</sup> Arnold & Porter Kaye Scholer LLP is counsel to the Visa defendants as to all plaintiffs in the *7-Eleven* action except for Barnes & Noble, Inc. and Barnes & Noble College Booksellers LLC.